

1 BRADLEY G. TAYLOR  
2 Nevada Bar No. 13778  
3 **GORDON REES SCULLY MANSUKHANI, LLP**  
4 300 S. 4th Street, Ste. 1550  
5 Las Vegas, NV 89101  
6 Phone: (702) 577-9300  
7 Direct Line: (702) 577-9341  
8 Fax: (702) 255-2858  
9 E-Mail: [btaylor@grsm.com](mailto:btaylor@grsm.com)

6 CHRISTOPHER B. QUEALLY (*Admitted Pro Hac Vice*)  
7 **GORDON REES SCULLY MANSUKHANI, LLP**  
8 5 Park Plaza, Suite 1100  
9 Irvine, CA 92614  
10 Phone: (949) 255-6975  
11 Fax: (949) 474-2060  
12 E-Mail: [cqueally@grsm.com](mailto:cqueally@grsm.com)

13 *Attorneys for Plaintiff and Counterdefendant*  
14 **PETER SCHULTZ, individually and as**  
15 **Trustee of the SUNSHINE AND RAIN ASSET**  
16 **MANAGEMENT IRREVOCABLE TRUST**

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 PETER SCHULTZ, individually and as trustee of  
20 the SUNSHINE AND RAIN ASSET  
21 MANAGEMENT IRREVOCABLE TRUST,

22 Plaintiff,

23 vs.

24 AMERICAN BATTERY TECHNOLOGY  
25 COMPANY, INC., a Nevada Corporation;  
26 ACTION STOCK TRANSFER COMPANY,  
27 INC., a Utah Corporation, and DOES 1 to 10,  
Inclusive,

28 Defendants.

23 AMERICAN BATTERY TECHNOLOGY  
24 COMPANY, INC. a Nevada Corporation;

25 Counterclaimant,

26 vs.

27 PETER SCHULTZ, individually and as trustee of  
the SUNSHINE AND RAIN ASSET  
MANAGEMENT IRREVOCABLE TRUST,

28 Counterdefendant.

CASE NO. 2:22-cv-01965-JAD-EJY

STIPULATION EXTENDING TIME  
TO SERVE COMPLAINT ON  
DEFENDANT ACTION STOCK  
TRANSFER COMPANY, INC. AND  
FILE PROOF OF SERVICE; AND  
~~[PROPOSED]~~ ORDER

1       1.     WHEREAS Plaintiff Peter Schultz, individually and as trustee of the Sunshine  
2 and Rain Asset Management Irrevocable Trust (“Plaintiff”) filed this action on November 22,  
3 2022 and named as a defendant Action Stock Transfer Corporation (“AST”), alleged to be a Utah  
4 entity.

5       2.     WHEREAS Plaintiff has alleged AST was the stock transfer agent of co-  
6 defendant American Battery Technology Corporation (“ABTC”) at all relevant times.

7       3.     WHEREAS ABTC has admitted in paragraph 17 of its Answer to the Complaint  
8 that AST did remove the restrictive legend on certain shares of stock issued by ABTC.

9       4.     WHEREAS the Court issued a Notice of Intent to Dismiss AST on March 13,  
10 2023, setting the deadline for filing a proof of service on AST as April 12, 2023.

11       5.     WHEREAS Plaintiff asserts it has diligently attempted to serve AST but as yet  
12 has been unable to effect service of process, including attempting to serve AST at its address for  
13 its agent for service of process and its headquarters in Utah on February 16, 2023, where the  
14 process server was told by the individual at the address that such individual could not accept  
15 service because AST had been taken over by Securities Transfer Corporation of Texas, and  
16 thereafter on March 29, 2023, Plaintiff asserts it attempted to serve Securities Transfer  
17 Corporation at its headquarters in Plano, Texas and the individual in the office refused to accept  
18 service and represented to the process server it was only an asset sale and not a merger.

19       6.     WHEREAS based on the foregoing, Plaintiff needs additional time to investigate  
20 the issue and effect service properly.

21       IT IS NOW THEREFORE AGREED AND STIPULATED TO THAT:

22       1.     The deadline for Plaintiff Peter Schultz, individually and as trustee of the  
23 Sunshine and Rain Asset Management Irrevocable Trust to effect service of process and file a

24       ///

25       ///

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28       ///

1 proof of service is extended to **April 26, 2023**.

2  
3 DATED this 12<sup>th</sup> day of April 2023.

4  
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6 **GORDON REES SCULLY**  
7 **MANSUKHANI, LLP**

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9  
10 /s/ Christopher B. Queally  
11 BRADLEY G. TAYLOR  
12 Nevada Bar No. 13778  
13 300 S. 4th Street, Ste. 1550  
14 Las Vegas, NV 89101

15  
16 CHRISTOPHER B. QUEALLY  
17 (Admitted Pro Hac Vice)  
18 5 Park Plaza, Suite 1100  
19 Irvine, CA 92614

20  
21 *Attorneys for Plaintiff and Counterdefendant*  
22 **PETER SCHULTZ, individually and as**  
23 **Trustee of the SUNSHINE AND RAIN**  
24 **ASSET MANAGEMENT IRREVOCABLE**  
25 **TRUST**

26 DATED this 12<sup>th</sup> day of April 2023.

27  
28 **DICKINSON WRIGHT PLLC**

29  
30 /s/ Gabriel A. Blumberg  
31 MICHAEL N. FEDER  
32 Nevada Bar No. 7332  
33 GABRIEL A. BLUMBERG  
34 Nevada Bar No. 12332  
35 3883 Howard Hughes Pkwy., Suite 800  
36 Las Vegas, Nevada 89169

37  
38 *Attorneys for Defendant and Counterclaimant*  
39 **AMERICAN BATTERY TECHNOLOGY**  
40 **COMPANY, INC.**

41  
42 IT IS SO ORDERED.

43  
44   
45  
46 United States Magistrate Judge

47 Dated: April 12, 2023

Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101